PERSUASION

published by
PERSUASION, INC.
260 west 86 street, n.y.c.

35¢

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distributed by the
Metropolitan Young Republican Club

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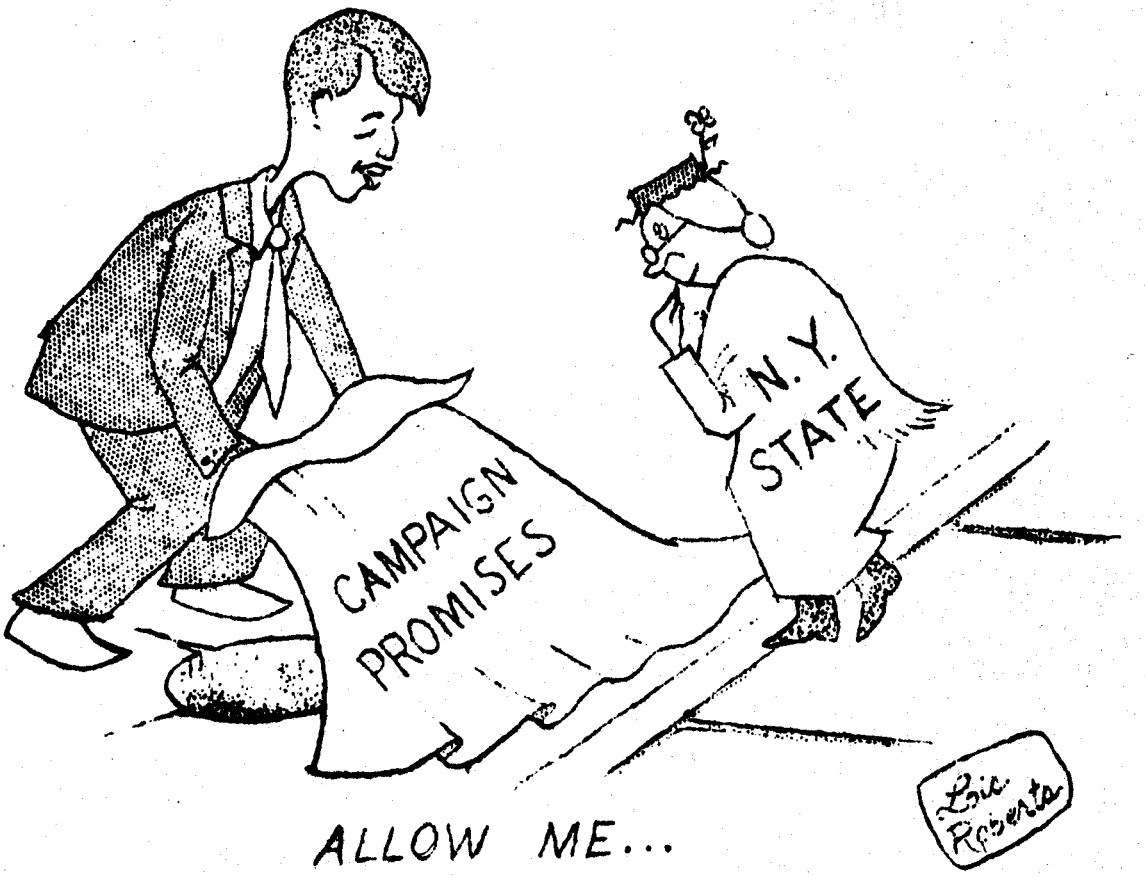
Volume I, No. 4 October 25, 1964

V I E W S



ALLOW ME...

THE RIGHTS OF MAN

There are two prevailing theories today about the nature of political rights—two answers to the question: Where do rights come from?

The answers given are that rights come either from God or from the state.

I am talking now about the fundamental rights of man discussed in the Declaration of Independence, and not about concepts loosely referred to as rights, such as "civil rights," "human rights," or "the right to work." The rights under discussion are man's fundamental rights to life, to liberty, and to what Jefferson called "the pursuit of happiness:" to set his own goals.

If man has a right to life, what does this mean? Where does he get it?

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One answer is that the state gives him this right. Which means, of course, that he lives by permission of the state. This is not a new idea, invented by Karl Marx for our confusion; it is inherent in the concept of the Divine Right of Kings. The King owns his subjects, but permits them to live their own lives and follow their own pursuits--unless he changes his mind. He owns them only temporally; the king disposes of the body, but God dispatches the soul to Heaven or Hell. The individual citizen exists by trying to please the King in worldly areas and to please God in spiritual areas--or, as the Bible has it, to "render unto Caesar the things that are Caesar's, and to God the things that are God's." According to this view, the individual exists by placating forces that permit him to exist, and the king's right is divine. That is, he gets it by delegation from God, who owns men in the first place.

In the eighteenth century, the concept of the Divine Right of Kings was challenged. The eighteenth century was called the Age of Reason, and the power of the churches as the arbiters and controllers of man's destiny and his philosophy was in question on many fronts. One of these areas of challenge was political science, and the key concept to be challenged was the Divine Right of Kings. The king, it was asserted, did not own his subjects. The government did not grant permission to its citizens to exist. On the contrary, there were just governments and kings, and unjust governments and kings.

"Governments," went a phrase that should be familiar to us all, "derive their just powers from the consent of the governed." Why? Because it was now held that men had "inalienable" rights, just by virtue of being men. Inalienable, meaning no one else could own those rights. Men were born with the right to their own lives, and they then delegated power over those lives to the state, not the other way around, as had been assumed in the concept of the Divine Right of Kings.

Men were "created equal." They were, to put it another way, "endowed by their Creator with certain inalienable rights."

Viewed in this historical context, it becomes clear that the concept of a Creator was not a novelty in political theory, suddenly invoked in the eighteenth century to support a theory of rights. Rather, a philosophy of inborn rights had invaded a previously theological territory, and the old concept of an omnipotent ruler deriving his power from an omnipotent God had given way before it.

Our Declaration of Independence represents a move in the direction of basing political science on reason, not on religious faith. It was framed in the full knowledge of the many tyrannies which had been established in the name of religion. It was framed in the full knowledge of religious persecutions which had taken place on our own shores.

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Our Constitution intended to ensure that total separation between Church and state should be perpetual. That neither state nor church should ever, in the smallest degree, enter the realm of the other.

When political leaders today, such as Senator Goldwater and Congressman Miller, refer to "God-given rights" in order to stress the idea that our rights are not ours merely by state permission, this is important and true. But when they do, we should also remember that, historically, it was not the "irreligion" of Marx that undermined the "religious" concept of individual rights; rather, it was the "irreligion" of the Enlightenment that undermined the concept of the Divine Right of Kings and led to the founding of this country.

When, as Senator Goldwater did on October 20, a political leader seems to claim not merely that rights are ours from birth, but that they cannot be justified or discussed on any but religious grounds, and that American politics should somehow be rejoined to religion and focused on belief in God, I for one must register a protest.

For political science is no longer a branch of theology. And we should be looking for more grounds in reason to defend the system which has served us so well and allowed us to become the richest, strongest, freest, happiest nation in the world. And if we look, rather than retreat to religious feelings, we will find the proofs of the validity and importance of our political structure.

To Senator Goldwater, I would say this. If it is true that we are engaged in a world battle for men's minds, that battle will not be won by appeals to unexplained religious ideas. The battle for men's minds will only by won by reason. It's not enough to know things in our hearts.

--Joan Kennedy Taylor

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R E V I E W S

A MIXED BLESSING

None Dare Call It Treason, by John A. Stormer, 254 pages, Liberty Bell Press, Florissant, Missouri. Paperback, 75¢.

None Dare Call it Treason requires the most critical reading to separate its valid from its questionable contents. It aims to arouse Americans against the growing successes of Soviet Communism, a commendable goal. Author John Stormer, a conservative Midwest Republican and former editor who "attends a fundamental Christian church," lines up a devastating series of facts in easy-to-read, bulletin style. But his facts and evaluations sometimes fall down under rigorous documental, logical, and philosophical analysis and undermine his purpose.

Most valuable are the book's compilations of historical incidents that reveal the extent of this nation's concessions to and open assistance of Soviet Communist aims, especially since the accession of Franklin Roosevelt. The Administrations of Truman, Eisenhower, and Kennedy are mercilessly explored in this light. Stormer's concise recaps of events of the McCarthy period, the Congo and Hungary tragedies, and the Cuban blunder should turn over even a few Democratic stomachs.

Equally unsettling are his pointed examinations of areas of American culture which have been influenced by collectivist ideas. Every parent ought to read his chapter on education, where he evaluates various textbooks, tests, and course changes dating from the Thirties. Similar analyses are offered of tax-exempt foundation grants and certain labor union administrators, and of mass media slanting in favor of collectivist and often pro-Communist positions. Stormer's most frightening revelation is the prototype bill, A Draft Act Governing Hospitalization of the Mentally Ill, already enacted in some form by a majority of states. Besides other nightmarish provisions, it permits the state to institutionalize a person without habeas corpus, counsel, or a hearing in his presence, solely on the decision of "two examiners who may or may not have psychiatric training or be doctors" (Stormer's emphasis).

Most of the foregoing is documented largely by Congressional investigating committee reports and hearings, which often contain explosive, unpublicized material. However, the author fails to mention that participating Congressmen are immune to libel charges and that such material may be legally insufficient to indict the parties he, Stormer, personally considers guilty of treason. Other serious oversights of his include his implied condemnation of Chief Justice Warren for "supporting the communist position in 62 cases without deviation" (Stormer's emphasis), without ever naming cases or laws or issues involved. This, despite the fact that Communist Party membership in this country has never been specifically outlawed.

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If the Court ignored a citizen's constitutional rights today because he is a Communist, what protection would the rest of us have tomorrow?

Such recklessness throws doubt on the reliability of some other allegations by the author, such as his discussion of the "deliberate covering up" by reporters of the security risk status of William Wieland in the Cuban fiasco: it could have been their laziness, too. His occasional use of second-hand quotes -- a book from a newspaper, or vice-versa -- suggests that he never went to the original source to confirm the accuracy of the quotation. Occasional sentences of fact and interpretation within his blazing accounts go unfootnoted, despite a plentiful Index. He offers no Bibliography, only a short Recommended Reading list for purchase that excludes many of his most valuable reference sources.

All these flaws, especially his many indignant attacks on certain individuals, radiate from Stormer's main weakness -- something he warns against in principle but cannot overcome in himself: an inept, emotional view of the communist threat. The author's fervent self-righteousness keeps him from ever reaching the root of the elaborate collectivist ideology. All he can do is flail away at its effects, methods, and carriers -- an interminable, hopeless job.

Observe how he defines communism in his opening, expository chapter: not as a political theory but as "a disease of the intellect." This is a psychological metaphor, not a definition. Never does he name the essential characteristic of communism and socialism: public ownership of the means of production. Or the distinction between these two isms: violent overthrow of capitalism versus gradual, voted replacement of it. Stormer can identify only fragments of communism that conflict with his Christian Fundamentalism: the seeking of power "through deceit and deception" (a difference?) and "brute force"; twisting minds "to swear that 'slavery' is 'freedom'"; dialectical materialism, "ignoring our Creator, God." Points like these he offers crudely and haphazardly; never does he relate them to communism's denial of <u>individual rights</u> by its abolition of <u>private property</u>.

How, then, does he integrate his fragments? By calling communism "a giant conspiracy." Not only is nobody clever or powerful enough to sustain such a long, vast, intricate conspiracy as he implies, but the spread of communism is much more simply explained. Communists have the ideological advantage of being consistent altruists in the name of the state. They therefore can gain support for many positions that advance their goals by appealing to humanitarianism.

Stormer's chapter on religious subversion is his feeblest. He blames the defection of so many American prisoners in Korea on lack of religion, thus package-dealing morality with Sunday school. To beat the Communists, he urges, as one essential, conformity to Fundamentalist beliefs.

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None Dare Call It Treason might have been a truly forceful, impressive book. It has material of value for the painstaking, but however well it sells, it cannot do what its author wants. To defeat Communism requires much more than feeling how absolutely right you are: you must be able and willing to argue all issues with a fully developed rational capacity and consistency of values that Stormer lacks. You must be able to convince those who do not agree with you, not merely those who do.

--Elizabeth Gillett

P E R S U A S I O N

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THE MAN FROM B.I.G. B.R.O.T.H.E.R.

The more we see of Robert Kennedy, the more we conclude that he has principles, all right, but that they are not appropriate ones for a member of the legal profession.

Robert Kennedy is against crime, against labor racketeering, against racial discrimination, against "unfairness" on the part of businessmen. That much is clear.

But, in his role as Attorney General, his way of opposing these things, which he considered evil, was to abandon due process of law as a concept to be cherished.

Harsh charge? Well, he has managed to solve the problem of gathering evidence against foreign-born mobsters which has been such a bane to Attorney Generals since the days of Prohibition. His solution is simple--deportation. This saves time, saves the expense of gathering evidence (to say nothing of the expense of a trial), and harms no one important, only the deportee. An article in Holiday magazine in March, 1963, reported the complaint of Senator Sam Irwin, Chairman of the Senate Constitutional Rights Sub-Committee, that one notorious hoodlum was whisked out of the country in "highly irregular deportation procedures."

Kennedy's defense on this charge, according to Holiday, was that the man involved was a very bad guy.

Deportation is a highly limited solution to the problem of crime, however, as it cannot be applied to native-born citizens. So to make the job of the police easier, Kennedy has fought hard and consistently to legalize wiretapping.

His long encounter with Mr. Hoffa of the Teamster's Union, which at times took on the appearance of a personal vendetta even to those who had no admiration at all for Mr. Hoffa, and his clamour for Civil Rights legislation to enforce, any Civil Rights legislation, under any precedent, have been reported at length in the Press. So have the many occasions on which Mr. Kennedy has rattled the Anti-Trust laws threateningly at businessmen.

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As early as 1961, Mr. Kennedy claimed, in an interview published by U.S. News & World Report, that a violator of these Anti-Trust Laws could be compared to a murderer, and that he had recommended that Congress pass a law which would force businessmen to surrender all their books and records whenever they were even suspected of violating any law.

Now, as former Federal Trade Commissioner Lowell B. Mason has pointed out in his book, The Language of Dissent, The Sherman Anti-Trust Act and the Robinson-Patman Act are framed in such a contradictory way that as soon as he establishes and follows any pricing policy for a product at all, a businessman violates either one law or the other. This enables enthusiastic crusaders like Mr. Kennedy to have grounds upon which to scoop up any businessman in the country, should he do something murderous, such as raise the price of his product.

And if the evil man is not deterred from engaging in commerce by this prospect, Mr. Kennedy supports the idea of a law by which not only can his own records be used for evidence against him, but can be searched in case they might provide evidence against him.

Why, in that case, business must be worse than murder--a murderer is guaranteed against forced self-incrimination.

If one watches any appreciable amount of television between now and Election Day, one will undoubtedly catch a glimpse of Mr. Kennedy speaking earnestly in a paid political announcement. He may even be claiming (as he often claims) that one of New York's problems is that we must find ways to keep businesses from moving away from New York.

What's he going to do, if elected? Lock them up? In the light of his record, we wouldn't put it past him.

* * * * *

GOLDWATER SPEAKS

"Regard for the federal system, and for the fifty states that make it a system, is first of all a regard for the due process of law as a fundamental of political order. It is a regard also for the wisdom of the people themselves. It is confidence in their ability to use that wisdom to solve their problems, in their own best ways.

The federal system, with its base in the states, tolerates many differences without, of course, tolerating impairment of nationally agreed-upon freedoms. It does not demand, in other words, that all citizens adopt a single best answer to any problem--but it does tend to prevent them from adopting any single worst answer.

The shift in state powers to the central government has been accompanied by a shift at the level of legislative power as well. Although it may not burst out as dramatically in the headlines as does the tension between the central government and state government, the tension--the veritable warfare--between the legislative and executive branches of government presents a major disturbance in the ground of freedom today. Again, the responsibility must be shared by those who would give legislative powers away and those who would take them.

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Only recently, a colleague of mine in the United States Senate flatly described the legislatures of America--all of them, whether state, local, or national--as the major stumbling block in the democratic process. The charge is fantastic. What it says is that representative government--which is the essence of freedom itself--is the enemy of freedom. And the solution my colleague offered was just as fantastic. He said that an increase in executive power would be the answer--an increase in the very centralization of power that always has been contrary to broadly based democratic processes. The whole history of freedom has been, simply, the history of resistance to the concentration of power in government.

Over three decades, however, our own resistance to such concentration has been less than complete. The growing imbalance between legislative and executive powers attests to it. The power of Congress to initiate legislation has slowly passed to the Executive. It has become increasingly difficult for Congress to say 'no' to the major items of a President's legislative agenda.

The Congress and the state legislatures may represent the people directly, but the Executive has found ways to reach them even more effectively, if indirectly. Into Executive agencies, for instance, has flowed the vast power of a public relations operation for public pronouncements. Patronage has flowed to it also, at an increasing rate. Huge contracts make the Executive branch a far from silent partner in many enterprises. Its appeal need no longer be to reason alone. It can appeal also to power."

--Barry Goldwater. Saturday Review. October 17, 1964.

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